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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/701,804	01/05/2001	Plinio Meyer	FE-12 PCT	8417

7590
Friedrich Kueffner
317 Madison Avenue
Suite 910
New York, NY 10017

04/05/2004

EXAMINER

HESS, DANIEL A

ART UNIT	PAPER NUMBER
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2876

DATE MAILED: 04/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/701,804	MEYER, PLINIO	
	Examiner	Art Unit	
	Daniel A Hess	2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Remarks

1. Receipt is acknowledged of an RCE on 10/10/2003, which has been placed in the file of record, and to which this action is a reply.

An earlier rejection made 4/29/2003 under 35 USC 112 on the basis of a broad range or limitation together with a narrow range or limitation is withdrawn in view of the Applicant's amendment.

In general, it is the examiner's view that the claims as amended do not in any way overcome the teachings of Brasington et al. (US 5,923,406) and hence the rejection that was previously made, stands.

The examiner respectfully notes that Brasington et al. shows customization of stamps with images (abstract, figures 5 and 6) and therefore anticipates the claimed invention, as amended. *In fact the applicant has not made any specific argument regarding the rejection that has been previously made. Apparently little effort has been made to overcome the rejections of record.*

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in

Art Unit: 2876

section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

3. Claims 15-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Brasington et al. (EP 0 893 787 A2).

Brasington teaches all of the elements and means as recited in claims 1-14 drawn to a method of vending customized franking markings such as postage stamps. For example

Brasington teaches the following:

Re claims 15, 28 and 29: A vending machine prints personalized stamps (column 3, lines 19-21). Note that postage stamps are a type of franking markings. The vending machine shown in figure 1 is clearly a computer; it has input, output and also processing capability. This processing capability is evidenced by its '*digitally* creating' an image (column 3, lines 40).

Pictures are taken and displayed (column 4, line 58 to column 5, line 1). Labels are then printed (column 5, lines 5-11); this constitutes 'support material.'

Re claims 16, 17 and 26: The user can select from (column 4, line 58 to column 5, line 5) various pictures on a screen, making a choice on a keyboard.

Re claim 18: There is a 'vending machine' (column 2, lines 10-20); this implies self-service.

Re claim 19: The user determines the value of the postage stamps (column 7, lines 36-42).

Re claim 20: A digital camera (column 3, lines 35-37) is used.

Re claim 21: Printing is triggered by a key selection, namely the selection of a particular image (column 5, lines 1-10).

Re claims 22 and 23: As Brasington notes (column 4, lines 40-45), a credit check is performed in order for the transaction to proceed. This is amounts to checking for 'sufficient credit.'

Re claims 24 and 25: Note that (see Figure 1) the aperture 9 (column 3, lines 35-37) is built into the computer and must connect to it because the image is digital and is displayed on the screen.

Re claim 27: In addition to credit, there is also capability for 'paper money and coin accounting' (column 3, lines 48-49).

Re claim 30: Brasington envisions (column 6, lines 34-36) postage metering.

Response to Arguments

4. Please review the response to arguments made in the 4/9/2003 action.

Also, re claim 20, the use of a camera is plain throughout Brasington, and 'reading an image' is very broad language that can be construed as simply taking a picture.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel A Hess whose telephone number is (571) 272-2392. The examiner can normally be reached on 8:00 AM - 5:00 PM M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Daniel A Hess
Examiner
Art Unit 2876

A handwritten signature in black ink, appearing to read 'Daniel A Hess', with a long horizontal line extending to the right.

DH
April 1, 2004